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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,892

08/18/2003

Raymond V. Calvesio

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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/642,892

Applicant(s)

CALVESIO ET AL.

Examiner

Jamisue A. Plucinski

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Response to Amendment filed 11/16/06.
2. Claims 1-32 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sehr (6,085,976).
5. With respect to Claims 1, 23 and 31: Sehr discloses a method of using a data processing system as well as a system for processing travelers (see abstract) that comprises the steps of:
  - a. Prior to the time of travel, employing the data processing system to enroll a traveler to utilize an automated check in process, Sehr discloses that a user receives a passenger card, where the passenger card has stored personal information in the card, including ticketing information as well as address and biometrics information (See Column 2, lines 63-67, Column 3, lines 57-67, Column 4, lines 44-53 and Column 5, lines 29-32). The examiner considers this to be enrolling the passenger due to the fact that the user must first register the information in the card, and receive the card before use, therefore enrolling in the system, which uses the card for ticketing and other purposes. Sehr discloses the passenger card can hold passport information, Column 43, lines 4-67 discloses a process of obtaining the passport and loading the passport

information onto the card. Sehr discloses the application for a passport is forwarded to a passport official, and reviewed by the agency and the agency will issue/renew the passport, which enables international border crossing. The examiner considers the agency to be a form of an enrollment representative.

- b. At the time of travel, utilizing the automated check-in process to complete activities necessary to enable an international border crossing (Column 11, lines 31-59, Column 23, lines 21-26 and Column 35, lines 57-62). Sehr discloses that the process of checking-in, tagging the luggage and issuing a boarding pass (which is done in the day of travel) can also be accomplished automatically via the card's built-in computerized means (Column 35, lines 57-62). It is the examiner's position that one must first check-in, in order to travel, therefore the automatic check-in process of Sehr (without human intervention), is utilized to complete the international border crossing.
6. With respect to Claims 2-5, 9-11, 27 and 28: Sehr discloses that background information is loaded into the passenger card. Where the background information is an electronic representation of a passport (Column 14, lines 15-27). Sehr also discloses that information on the card can be matched with information in other government databases (Column 11, lines 56-62 and Column 32, lines 1-18 and 44-47)
7. With respect to Claims 6-8, and 26: See Column 17, lines 43-67, Column 20, lines 47-57, and Column 13, lines 4-11)
8. With respect to Claim 12: See Column 8, lines 3-58.
9. With respect to Claims 13 and 14: Sehr discloses that there is a dialogue between the check-in station and the passenger (Column 32, lines 61-63) and states that forms are filled out

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by the passengers where the passenger signs a signature pad (Column 41, lines 27-35). The examiner considers this to be a form of a questionnaire, due to the fact that the form has pre-printed information, that the passenger has to fill out, or answer.

10. With respect to Claim 15: See Column 24, lines 19-53 and Column 34, line 37-38.

11. With respect to Claims 16 and 25: See Sehr, Column 7, lines 25-64. Sehr discloses a travel center to be a self-service machine in such places as airports, railroad stations and travel agencies. The examiner considers this to be a form of a kiosk.

12. With respect to Claims 17-20, 24, 29, 30 and 32: See Column 41, line 36 to Column 42, line 42.

13. With respect to Claim 21: See Column 4, lines 44-53

14. With respect to Claim 22: See Abstract, and Column 4, lines 26-42.

### ***Response to Arguments***

15. Applicant's arguments filed 11/16/06 have been fully considered but they are not persuasive.

16. With respect to Applicant's argument that Sehr does not disclose employing a data processing system to enroll a passenger after an authorized enrollment representative verifies that the traveler is eligible to make an international border crossing: The rejection has been modified to address this new limitation Sehr discloses the smart card containing Passport information, where the passport information is forwarded to an official agency, which verifies information and renews or issues a passport which essentially verifies that a person is eligible for international travel. Therefore, Sehr discloses the passenger inputting passport information,

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therefore enrolling "after" the passenger receives the passport, and therefore "after" an authorized enrollment representative verifies that the traveler is eligible for international border crossing.

17. With respect to Applicant's argument that Sehr does not disclose an automated check-in procedure... without the aid of human intervention: Sehr discloses it is possible for there to be human intervention, and have the airline representative check-in the passenger, however clearly states in Column 35, lines 57, "The above process of checking-in, tagging the luggage, and issuing a boarding pass by an airline representative can be accomplished automatically via the card's built-in computerized means, while coupling the card to the passenger station-line apparatus and communicating with the airliner's system database". Nowhere in this statement is there human intervention. Sehr discloses human intervention as an alternative process, not a combined process. Sehr discloses checking-in the passenger as well as checking in the luggage, and does not state that it is in reference to only baggage check-in procedure. It states that the issuing of a boarding pass is done automatic. The issuing of a boarding pass is done when a passenger checks-in. A baggage is not issued a boarding pass, therefore it is the examiner's position that the check-in procedure is pertaining to the passenger as well as the baggage. Sehr discloses an entire process from checking in a passenger, to checking in the luggage to tagging the luggage, and states that the above process, containing multiple steps. Sehr does not disclose the process is only automated for the baggage, due to the fact that it clearly states a boarding pass, which is for the passenger, therefore the statement is directed towards a passenger as well as baggage. Sehr states that because this is an international travel, the passenger's passport will be verified as well, and further discloses the representative can verify the passport, However, the

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examiner is interpreting this section to mean, that because it is international travel the passport has to be verified, not that it must be verified by a representative. Sehr clearly discloses ALL of the above check-in procedures (which include verifying passports) can be done automatically, therefore the examiner considers Sehr to anticipate crossing the border without human intervention.

18. With respect to Applicants arguments that the examiner stops short of asserting that the international crossing is done without human intervention, however it is clearly stated in the rejection that the examiner considers to be without human intervention, so the examiner is unclear what the applicant is arguing here.

19. Rejections stand as stated above.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

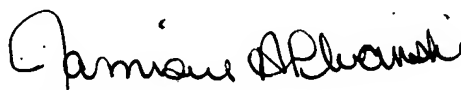
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamisue Plucinski  
Patent Examiner  
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